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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 -----X
G.S., a minor below the age of 18, by her
father and natural guardian, MORRIS S.,

5 PLAINTIFFS,

6 -against- Case No:
15-CV-3086

7

8 CONGREGATION LEV BAIS YAAKOV d/b/a LEV BAIS
DEUTSCH a/k/a SAM DEUTSCH,

9

DEFENDANTS.

10 -----X

11

12 DATE: December 3, 2015

13 TIME: 10:30 A.M.

14

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16 VIDEOTAPED DEPOSITION of the
17 Defendant, LEV BAIS YAAKOV HIGH SCHOOL, by
18 a witness, BATYA BARBARA SOCHACZEWSKI,
19 taken by the Plaintiffs, pursuant to a
20 Court Order and to the Federal Rules of
21 Civil Procedure, held at the offices of The
22 Berkman Law Office, LLC, 111 Livingston
23 Street, Brooklyn, New York 11201, before
24 Breindle Sara Friedman, a Notary Public of
25 the State of New York.

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2 A P P E A R A N C E S:

3

4 THE BERKMAN LAW OFFICE, LLC
5 Attorneys for the Plaintiffs
6 111 Livingston Street
7 Brooklyn, New York 11201
8 BY: ROBERT TOLCHIN, ESQ.

9

10 RUTHERFORD & CHRISTIE, LLP
11 Attorneys for the Defendants
12 800 Third Avenue
13 New York, New York 10022
14 BY: ADAM GUZIK, ESQ.
15 File #: 212.472

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20 ALSO PRESENT:

21 Nathaniel Armstrong, Videographer

22 Diamond Reporting & Legal Video

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1 B. SOCHACZEWSKI

2 really presented the problem and he made
3 the decision.

4 Q. Let's talk about that call.

5 You mentioned that you received a phone
6 call?

7 A. I came out of class teaching
8 one day. Again, I am new. It's very, very
9 beginning.

10 Q. It's December.

11 A. Pretty beginning. For me it
12 was the beginning. As I passed the
13 secretary desk she told me that a woman had
14 called several times not identifying
15 herself but insisting with speaking to any
16 principal. I said okay, transfer it.

17 Q. This woman was on the phone
18 again?

19 A. Right. As I was passing by the
20 office, so I said transfer it into my
21 office and I answered the phone. The woman
22 had a lot of emotion in her voice. Her
23 voice was shaking. It seemed to be
24 difficult. She refused to identify
25 herself. She said you will understand that

1 B. SOCHACZEWSKI

2 I can't. She said that she -- you want to
3 hear the whole --

4 Q. Tell me what she said to you
5 and what you said to her during that call.

6 A. She said that she periodically
7 just does spot checks on her son's phone.

8 If I recall correctly she said her son was
9 in eighth grade. Found -- she just does
10 this as a good parent to check to see what
11 was going on her son's phone. Found a nude
12 picture of a girl on it. Shocked she
13 confronted her son who said oh, that is
14 using the plaintiff's name, tenth grade Lev
15 Bais Yaakov and she asked her son where did
16 you -- she was horrified. Where did this
17 come from. She said, oh, she sent it to a
18 certain boy who then sent it to several
19 other boys. I asked her at that point can
20 you send me the picture and she said my
21 husband is a lawyer. He said it's child
22 pornography, I cannot send it to you. He
23 told me to get rid of it. He told me to
24 get rid of it. He told me you do not want
25 to be in possession of this picture even

1 B. SOCHACZEWSKI

2 for a second. It made sense to me although

3 I would have liked to have possession of

4 the picture not that I wanted, but she said

5 I will describe to you. And she proceeded

6 to describe -- I don't remember exactly the

7 words that she said, but in my mind she was

8 very credible. She described what the

9 plaintiff looked like. She described what

10 the plaintiff looked like and again, she

11 said my son said it's [REDACTED] [REDACTED]

12 That's what she said. Tenth grade Lev Bais

13 Yaakov High School. The description

14 matched the girl that was sitting in our

15 classroom.

16 Q. What was the description?

17 A. I asked her -- she described
18 her hair. I can't remember exactly at this
19 point. It's two years ago.

20 Q. Blond hair?

21 A. Blond hair. A little wild
22 blond hair. I don't remember the exact
23 conversation.

24 Q. Anything else?

25 A. To me at the time it sounded

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1 very, very credible. Again when I said
2 maybe you should send me the picture she
3 said her husband said it's absolutely not,
4 it's child pornography. I cannot be in
5 possession. I cannot send it. I am
6 deleting it. I hung up the phone. I saw
7 -- the first person I saw was Tova Bollag
8 our student advocate, our social worker and
9 I told her what happened. I was shaking.
10 It was really something I had never
11 experienced before. Did not want to have
12 to experience something like this. I
13 thought I had a plan in place for her from
14 that parent meeting of how we were going to
15 try to deal and accommodate her as best as
16 we can and see if the accommodation plan
17 that I had come up with the parents could
18 be put into place. And this was right
19 after and to try to help her academically
20 and see if the plan that I had put into
21 place could work and we could keep her as a
22 successful student in the school. And if
23 not then reevaluate it in the spring with
24 the parents and come to try to think of

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1 something that is going to help her. This
2 really just -- it just threw me. I told
3 Tova and then I told -- I told Tova what
4 happened. She told -- I said we really --
5 the number is still on the caller ID, maybe
6 I should call her back and ask her again
7 for the picture. And she said absolutely
8 not. There was a case near where she lived
9 of a principal that received a picture of a
10 student in similar circumstances and was
11 arrested and absolutely not, you cannot be
12 in possession of something like that. So I
13 felt like my hands at this point were tied.
14 To the best of my recollection I can't say
15 it's accurate, I think then Mrs. Oratz
16 walked in. I think that she might have
17 been teaching at the same time or wherever
18 she was coming into the offices we told her
19 what happened. And I did not know the
20 protocol yet of the school. I wasn't used
21 to how things of this nature is dealt with.
22 And to my recollection Mrs. Oratz said that
23 we have to go Rabbi Deutsch. This is Rabbi
24 Deutsch's -- Rabbi Deutsch has to handle
25

1 B. SOCHACZEWSKI

2 this. This is beyond what we can do.

3 Q. It was Oratz's idea to take it
4 to Deutsch?

5 A. That was the protocol. It
6 could be Tova was part of the decision. I
7 was new. I didn't know --

8 Q. It wasn't your idea?

9 A. It wasn't my idea because I
10 wasn't a hundred percent sure of what the
11 protocol in the school. My old school I
12 would know who to go to with this kind of
13 this nature. I didn't have so much
14 dealings with Rabbi Deutsch at this point.
15 At this point I would know that is the kind
16 of decision you bring to him. But
17 Mrs. Oratz spent the first year holding my
18 hand and showing me the ropes of the
19 cultural of the school. Very, very
20 different than my previous school. A lot
21 more open communication with the parents
22 which I think is wonderful, more open
23 communication with the students. I didn't
24 know the protocol. So I believe to the
25 best of my recollection it was Mrs. Oratz

1 B. SOCHACZEWSKI

2 that said. It could be Tova also said it
3 and the three of us went down to the office
4 and presented to it Rabbi Deutsch.

5 Q. Did any of you discuss whether
6 you should call the plaintiff and ask her
7 about this allegation?

8 A. My first -- again, I don't
9 remember if I had said this out loud or if
10 it was just my initial reaction before I
11 met Tova, was to call the plaintiff in and
12 ask to see her phone. I was just saying
13 when I thought about it I was afraid that
14 that would be considered a violation of her
15 privacy to make her show me her phone right
16 then.

17 Q. How about to say I got this
18 call and this is what someone said?

19 A. I was uncomfortable. I was
20 uncomfortable with it. I thought about
21 doing that but I was uncomfortable with
22 that. I thought of also -- again, I don't
23 know if I verbalized this with Mrs. Oratz
24 and Tova or if it was just in my mind, just
25 I thought of it. I thought of maybe

20 Q. Is it correct you have no idea
21 who the caller was?

22 A. That is correct. She refused
23 to identify. I believe --

24 Q. The caller's number was in the
25 caller ID of the school?

1 B. SOCHACZEWSKI

2 A. At that time and that is why --

3 Q. Did you write it down?

4 A. I didn't. I was shaken.

5 Q. It's a yes or no question.

6 A. No, I did not write it down.

7 Q. Did you make any notes while
8 you were talking to the caller?

9 A. I might have been doodling
10 making notes. I sometimes do that. It
11 wasn't anything that I kept past that
12 point.

13 Q. Did you write up any kind of a
14 memo or official note to put in the
15 plaintiff's folder about what had happened?

16 A. I didn't. I was shaken. I
17 spoke to Tova, Mrs. Oratz and we worked it
18 out.

19 Q. Did Mrs. Oratz or Mrs. Bollag
20 make any note about the conversation?

21 A. I have no idea.

22 Q. Did you recognize the caller's
23 voice?

24 A. No. Not at all.

25 Q. Did it seem familiar in any

1 B. SOCHACZEWSKI

2 way?

3 A. No.

4 Q. Do you know the identity of the
5 boy?

6 A. No. She was protecting that.

7 Q. Protecting him from what?

8 A. She was protecting her son.

9 She didn't need it to get back -- she
10 didn't tell me school he was going to.

11 Q. Didn't want it getting back to
12 his school?

13 A. Right.

14 Q. She was worried her son might
15 get thrown out of his school?

16 A. I can't say what she was
17 worried about. She just said I can't get
18 my son involved. He says he got it from
19 someone else who sent it to several boys.

20 Q. Potentially there was a whole
21 class of boys --

22 A. I don't know.

23 Q. -- who were transgressing

24 what's a major problem in the realm of

25 Jewish schools and she was -- this voice on

1 B. SOCHACZEWSKI

2 the phone was protecting all that?

3 A. I have no knowledge of what was
4 going through her mind. She told me she
5 has to protect her son. She can't say her
6 identity or the school that the child goes
7 to.

8 0. She was protecting her son --

9 A. She did not say at all that it
10 was members of the boy's class. I believe
11 that it could be a faulty recollection,
12 that she told me that her son was in eighth
13 grade. It could have been neighborhood
14 boys. I have no idea. She just said it
15 was sent to another boy and the boy
16 subsequently sent it to several other boys.

17 Q. This caller on the phone while
18 protecting her own son and potentially his
19 friends was calling the girl's school which
20 would obviously result getting her in
21 trouble, that is a way to describe what
22 happened?

23 A. I can't tell you what was going
24 through her mind. She felt --

25 Q. I didn't ask what was in her

1 B. SOCHACZEWSKI

2 mind. Looking at her actions, at the same
3 time she was protecting her son and his
4 friends, but simultaneously getting the
5 girl involved in trouble, that is the
6 schematic diagram of what's going on.

7 A. I can't answer that because I
8 don't know what she did. She may have
9 contacted the other parents or the school
10 that the other boys attended.

11 Q. But she said she needed to
12 protect her son. If she had contacted her
13 son's school and told them about it there
14 wouldn't be any problems to identify
15 herself.

16 A. I don't know that the boy who
17 supposedly disseminated the information,
18 disseminated the picture is in her son's
19 school. I have no knowledge of this, so I
20 can't answer.

21 Q. Did you tell the mother that
22 she should report it to her son's school?

23 A. I did not. I was shaken. I
24 did not.

25 Q. Did you call the police?

1 B. SOCHACZEWSKI

2 A. No.

3 Q. This mother just told you that
4 her husband the lawyer had told her that
5 she was in possession of child pornography
6 and that it was illegal. That is what you
7 told me, correct?

8 A. I did not think it through like
9 that. I was shaken. I spoke to
10 Mrs. Bollag and Mrs. Oratz, we went to
11 Rabbi Deutsch to make a decision.

12 Q. Are you a mandated reporter of
13 child abuse?

14 A. If I see child abuse -- any
15 school official is a mandated reporter if
16 they see --

17 Q. If they become aware of what,
18 what do you have to mandatorially report?

19 A. If there is child abuse
20 suspected. If there is a credible -

21 Q. Would a minor being -- would a
22 minor sending out pornographic pictures of
23 herself or somebody possessing pornographic
24 pictures of a minor be a child abuse
25 situation?

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2 A. I can't tell you for sure, but
3 I would say that if someone's sending
4 pictures of themselves, that is not a child
5 abuse situation.

6 Q. What about somebody possessing
7 naked pictures of a minor, is that --

8 A. I would imagine so.

9 Q. This mother just told you that
10 the picture was of a nature that her
11 husband the lawyer had said she could go to
12 jail for possessing it, right?

13 A. Right.

14 Q. Your social worker Ms. Bollag
15 told you that a principal had even gone to
16 jail for possessing such a picture even in
17 a benign circumstance?

18 A. Correct.

19 Q. Why would you think that
20 possessing such a picture would not be a
21 reportable issue?

22 A. I was dealing with the issue
23 that had just been thrown on my plate. I
24 was not thinking in terms of the woman now
25 has a picture that was -- her son had. She

1 B. SOCHACZEWSKI

2 told me she's deleting it. She wants no
3 part of it. To me that is just something
4 that just happened. Also --

5 Q. Did you go through training
6 about mandated reporting?

7 A. Many, many -- actually, I will
8 tell you the truth is I don't even know if
9 I did. If I did it was many years ago.

10 Q. Were you ever instructed that
11 when you have a situation that you are not
12 sure whether it's to be reported or not you
13 should report it and let the authorities
14 make the determination whether there is
15 something that needs to be reported or not?

16 A. Not to my knowledge. To me
17 this was not --

18 Q. That never happened?

19 A. No. To me this was not a
20 clearcut thing of child abuse. Meaning
21 that her underage son who was younger than
22 the plaintiff received a picture
23 purportedly sent through --

24 Q. The underage son, the mother,
25 presumably the underage son's father the

1 B. SOCHACZEWSKI

2 lawyer, and other boys in the class all had
3 this piece of child pornography.

4 A. The mother didn't posses it.

5 It was on her son's phone.

6 Q. Which was now in her hand which
7 she was looking at.

8 A. I did not think so far into
9 this.

10 Q. Needless to say, you did not
11 report it?

12 A. Correct.

13 Q. And the mother told you she was
14 deleting it?

15 A. Yes. She said her husband said
16 that it's not -- that it's something that
17 -- she told me my husband said you don't
18 want to have possession and we cannot have
19 possession of this.

20 Q. Would you agree that once the
21 picture is deleted there is no way to look
22 at it and see if it was really the
23 plaintiff?

24 A. There is technology today if
25 you possessed the cell phone of the

1 B. SOCHACZEWSKI

2 plaintiff, if you possessed any of these if
3 you know the provider, in technology you
4 could get it back.

5 Q. But you can't do that if the
6 woman says she deleted it, didn't send it
7 to you and you didn't write down her phone
8 number and you don't know her name, there
9 is no way to get it back now, right?

10 A. I am not a technology expert so
11 I really can't answer that question.

12 Q. You think you can get it back
13 from someone if you don't even know who it
14 is?

15 A. No. Not from that avenue.

16 Perhaps from the plaintiff's side. If the
17 plaintiff's phone was produced or if the
18 plaintiff's provider was produced.

19 Q. From that angle?

20 A. From that angle there is a
21 possibility. Again, I am not a
22 technologist.

23 Q. If it had truly emanated from
24 the plaintiff, that would only apply if it
25 had truly emanated from the plaintiff.

1 B. SOCHACZEWSKI

2 A. I would imagine so.

3 Q. There is a lot of people in the
4 world who have blond wild hair, right?

5 A. There are. There were also --
6 but there was other identifying features
7 such as her name, the school and the
8 classroom.

9 Q. What we have there was this
10 woman who you don't know who it is said
11 that her son who you don't know who it is
12 said that it was G.S. from Lev Bais Yaakov,
13 right?

14 A. Correct.

15 Q. So it was three layers of
16 hearsay?

17 A. Correct. I can just tell you
18 to me it sounded like a very credible call.
19 The woman's voice was shaking. If I can't
20 get the picture because it's child
21 pornography I didn't see what other avenue
22 to do and that is why it was not my
23 decision. I just presented the facts.

24 Q. You can call the police and let
25 the police check out the picture.

1 B. SOCHACZEWSKI

2 MR. GUZIK: Objection. Is
3 that a question?

4 Q. Wouldn't that be an option you
5 could have followed?

6 A. It's not something that I would
7 even have thought of.

8 Q. You could call the school's
9 rabbinic advisory board, call Rabbi Cohen
10 and Rabbi Kamenetsky and say what should I
11 do; is that something you could do?

12 A. That is something that is
13 really Rabbi Deutsch's as the executive
14 director. That was the protocol there was.
15 We went with him to Rabbi Deutsch. We went
16 with the situation to Rabbi Deutsch. At
17 that point I would not have thought to call
18 Rabbi Deutsch -- Rabbi Cohen. I put it in
19 Rabbi Deutsch's lap.

20 Q. Would you agree with me that
21 there is other ways that the caller might
22 have been able to describe the plaintiff
23 other than seeing a naked picture of her on
24 her son's phone?

25 A. I am not sure that I understand

1 B. SOCHACZEWSKI

2 the question.

3 Q. You say that the caller gave a
4 description of the plaintiff's appearance,
5 correct?

6 A. Correct.

7 Q. Would you agree with me that
8 the fact that she was able to give a
9 description of the plaintiff's appearance
10 does not necessarily mean that she had seen
11 a naked picture of the plaintiff, correct?

12 A. Correct.

13 Q. She could simply be somebody
14 who knows the plaintiff?

15 A. That could be.

16 Q. I could give a description of
17 Mr. Guzik, right?

18 A. Correct.

19 Q. Doesn't mean I have a naked
20 picture of him, does it?

21 A. Correct.

22 Q. If a person was looking to hurt
23 the plaintiff by making a false report that
24 the plaintiff had sent a naked picture of
25 herself, a person could do that, correct?

1 B. SOCHACZEWSKI

2 A. Technically. I don't believe
3 it was the case.

4 Q. But you have no way to know?

5 A. I can just -- being a judge --
6 being -- dealing with people on a daily
7 basis for so long the call sounded
8 credible. The woman was shaking. She did
9 not sound like she wanted to make this
10 phone call. It sounded just like she felt
11 that she had to do it. And as far as I
12 could determine she sounded very credible.

13 Q. Isn't it possible that the
14 reason --

15 MR. GUZIK: Can you let my
16 client finish her sentence?

17 MR. TOLCHIN: She finished.

18 MR. GUZIK: No, she didn't.

19 You keep interrupting her.

20 A. I felt it was credible. That
21 she sounded credible to me. I had tried to
22 get ahold of the picture. She told me what
23 her husband who was a lawyer had said. It
24 did make sense to me and I felt that I
25 couldn't -- that there was nothing else I

1 B. SOCHACZEWSKI

2 can do and that is why we presented it to
3 Rabbi Deutsch.

4 Q. Have you ever-- isn't it
5 possible that the person who called was
6 nervous because they were calling in a
7 false report of some kind of grievous
8 conduct, wouldn't that maybe somebody
9 nervous?

10 A. Possibly.

11 Q. You are lying, that is why you
12 are nervous?

13 A. Possibly.

14 MR. GUZIK: Is that a question?

15 A. That did not sound like that to
16 me. To me it sounded like someone that was
17 conflicted because they did not really want
18 be involved with this especially she has
19 her son involved and just felt it was her
20 responsibility to do so. That is how it
21 sounded to me.

22 Q. Did you ever hear of someone
23 being prosecuted for possession of child
24 pornography?

25 A. You do hear it on the news

1 B. SOCHACZEWSKI

2 every once in a while. It's not something
3 that I am --

4 Q. But it happens, there are
5 people in jail for child pornography.

6 MR. TOLCHIN: Can you stop
7 waving your hands in front of the
8 camera.

11 Q. You have heard of people who
12 were convicted for child pornography?

13 A. I definitely have heard.

14 Q. Would you agree with me that
15 that means that the police officer, the
16 prosecutor, the judge, the jury, probably
17 even the defense lawyer all at some point
18 saw a copy of whatever was the alleged
19 pornography?

20 A. Possibly. I have no firsthand
21 knowledge of any this. This is really not
22 within my realm.

23 Q. Have you ever heard of somebody
24 being convicted for possession of child
25 pornography that nobody saw and was

1 B. SOCHACZEWSKI

2 deleted?

3 A. I have never heard of anything
4 like that.

5 Q. Could you imagine going to jail
6 for that, somebody said I have a picture of
7 child pornography but I deleted it and you
8 can't see it and I am not going to tell you
9 who I am, can you imagine somebody being
10 prosecuted for that?

11 A. No. That is not police.

12 Q. That would be really unfair,
13 right?

14 A. This is not -- there was no
15 criminal action involved here. This is a
16 private school making a decision.

17 Q. Based on a report from an
18 anonymous caller about something that
19 nobody saw.

20 MR. GUZIK: Is there a
21 question?

22 0 Is that correct?

23 A T would guess so

24 THE VIDEOGRAPHER: This marks
25 the end of tape two. Time is 12:54

1 B. SOCHACZEWSKI

2 p.m. on December 3, 2015. We are now
3 off the record.

12 Q. Based on the call, was there
13 any way to determine, assuming there was a
14 picture of the plaintiff, is there any way
15 to determine when that picture had been
16 taken?

17 A. I have -- that is not something
18 that I would have knowledge of.

19 Q. Is it possible -- based on the
20 information you have, isn't it possible the
21 picture was from a year before?

22 A. Anything is possible. I have
23 no way of knowing that.

24 Q. You had no way to know if that
25 was a current picture or an old picture?

1 B. SOCHACZEWSKI

2 A. I have no way of knowing.

3 Q. I know you said you found the
4 caller believable. But really you have no
5 way of knowing for sure whether the caller
6 was telling the truth or just making it up,
7 correct?

8 A. I can just tell you what my gut
9 feeling was based on experience --

10 Q. You have no way of knowing --

11 A. -- emotion in her voice.

12 0. -- if the caller was mistaken?

13 A. To me she sounded very
14 credible.

15 Q. One possibility would be that
16 the caller was making up what happened.
17 Wouldn't another possibility be that yes,
18 indeed, the boy had a naked picture of some
19 wild blond hair girl and he said that is
20 G.S. from Lev Bais Yaakov?

21 A. Anything is possible. It
22 sounds to be pretty far-fetched. Anything
23 is possible.

24 Q. An eighth grade yeshiva boy who
25 is caught by his mommy with a naked girl's

1 B. SOCHACZEWSKI

2 picture in his phone would be likely to
3 make up a far-fetched story to get out of
4 trouble, wouldn't he?

5 A. Why use the -- I don't see the
6 point of using specifically that the
7 plaintiff's name. Could be any -- make up
8 a name. Why --

9 Q. He could make up a name?

10 A. He could make up any name. Why
11 specifically that name. They could just
12 make up a name that doesn't exist. To me
13 that sounds really very far-fetched.

14 Q. That would be a good question
15 why he would choose a name, but you agree
16 he could make up a name?

17 A. Anything is possible.

18 Q. Was there a reason you didn't
19 write down the number on caller ID?

20 A. My initial reaction -- not my
21 initial reaction, but as soon as I
22 discussed with it Tova and Tova said -- I
23 said to Tova Bollag our student advocate
24 maybe the number is still on caller ID in
25 the secretary's office, maybe we should

8 Q. An issue of being -- one issue
9 of being in possession of the picture,
10 maybe you could call the person back and go
11 over to her house and see it?

12 A. She told me she was deleting
13 it. She told me her husband was a lawyer.
14 She sounded like she wanted out of this
15 whole situation quickly. I didn't think of
16 a situation like that. I did not think of
17 that kind of a situation. She didn't want
18 to identify herself so I doubt that she
19 would have given me her address. When I
20 asked her who is calling she wouldn't give
21 me her name.

22 Q. Would you agree with me that if
23 there was a naked picture of the plaintiff
24 that the plaintiff might have been being
25 victimized in some way?

1 B. SOCHACZEWSKI

2 A. I have no way of knowing that.

3 I have no way of knowing that.

4 Q. Would you agree with me that
5 if, for example, the plaintiff had been
6 tricked by an adult to pose nude for
7 pictures and that adult was then
8 disseminating the picture or selling the
9 picture, that would be an example of the
10 plaintiff being victimized?

11 A. I really don't know.

12 Q. Have you ever heard of young
13 girls being tricked into posing for
14 pornography?

15 A. I have heard of it. I have not
16 heard of it in our circles.

17 Q. Really?

18 A. Could be that it happens. It's
19 not something that I have personal
20 knowledge of.

21 Q. Did you ever hear of a
22 situation where a man was selling or
23 sharing pornography pictures of little
24 boys?

25 A. In our community, no.

1 B. SOCHACZEWSKI

2 Q. A man who had a child or
3 children attending Shulamith High School?

4 A. Never heard of it.

5 Q. Did you hear of a situation
6 where those boys were identified by a rabbi
7 someplace who saw the picture and tracked
8 down who the boys were based on the
9 furniture or carpet in the background of
10 the picture?

11 A. I never heard of any of this.

12 Q. You never heard that story?

13 A. No. It sounds like I am glad
14 that I haven't. It's not something that I
15 heard of. It's my first time hearing this.

16 Q. When you heard that there was
17 this naked picture of the plaintiff, did it
18 remotely cross your mind that the plaintiff
19 may have been victimized by somebody?

20 A. No.

21 Q. Have you ever heard of somebody
22 rigging a camera to take pictures of women
23 without their knowledge when they are in
24 states of nudity?

25 A. I have heard that.

1 B. SOCHACZEWSKI

2 Q. Did that happen within the
3 orthodox Jewish Community?

4 A. Not that I can clearly recall.

5 It could happen. I am not saying that it
6 can't happen. I can't recall of anything.

7 Q. Did you ever hear that a rabbi
8 rigged a camera within a women's mikvah in
9 order to take pictures of women?

10 A. I feel like I am living in a
11 different century. I never heard of any of
12 this.

13 MR. GUZIK: Can you explain the
14 Hebrew words?

15 Q. Ritual bath. You did not hear
16 that a rabbi of the prominent synagogue in
17 Washington, D.C., was recently arrested and
18 prosecuted and sentenced to many years in
19 jail for photographing women in the mikvah
20 through a hidden camera in a clock radio
21 within the mikvah?

22 A. No.

23 Q. You didn't hear that?

24 A. I didn't hear that. I did not
25 hear that.

1 B. SOCHACZEWSKI

2 Q. Have you ever heard of a
3 peeping Tom?

4 A. I have heard the expression. I
5 certainty heard the expression.

6 Q. Have you ever heard of people
7 putting a camera in a dressing room, a
8 changing room, a locker room, a bathroom?

9 A. I have definitely heard of
10 people doing that. I am just saying --

11 Q. But those are all ways that a
12 naked picture of somebody could exist and
13 the person in the picture is truly a
14 victim.

15 MR. GUZIK: Is that a question?

16 Q. Correct?

17 A. Possibly.

18 Q. When you got this call from
19 this mother, did you take any steps to
20 determine if the plaintiff had been a
21 victim?

22 A. I did not. I did not think in
23 those terms because I didn't -- I did not
24 see how something like that can be
25 determined.

1 B. SOCHACZEWSKI

2 Q. You said that you didn't think
3 it was a potential issue of child abuse if
4 the plaintiff herself had sent out a
5 picture?

6 A. Correct.

7 Q. Let's relate back to what you
8 told us earlier about the naive girl who
9 had been texting with someone who she had
10 never met, right, and he was tricking her?

11 A. I don't know if he was tricking
12 her. He was setting up to meet her. And I
13 didn't see the conversation. I heard about
14 the conversation through a parent who is
15 friends of the girl who was nervous for her
16 and therefore told the parent. The parents
17 contacted us and that is why we contacted
18 the parents. The parents came down. The
19 parents came down, didn't believe it at
20 first. The parents are a little naive as
21 well and then we called in the girl and she
22 admitted it. We took it from there.
23 Again, that was not a red line that was
24 crossed in my mind at least.

25 Q. Have you ever heard of an adult

1 B. SOCHACZEWSKI

2 trying to or an older person trying to
3 trick a young girl over the internet?

4 A. I have definitely heard of
5 cases like that.

6 Q. Have you heard of cases where
7 within the Jewish Community where an adult
8 tried to trick a high-school-aged girl into
9 engaging in sexual conduct whether it's
10 pictures or physical contact?

11 A. I can't think of anything
12 offhand. I will concede it could happen.

13 Q. Did you ever hear of the case
14 of Rabbi Nathan David Rabinovich?

15 A. I did hear.

16 0. You heard about that case?

17 A. I did hear.

18 Q. He tried to have a sexual
19 liaison with a 14-year-old girl that he met
20 over the internet, that was the allegation.

21 A. That was the allegation.

22 Q. If he had tricked the girl into
23 sending him a naked picture of herself she
24 would be a victim, right?

25 A. Yes. I guess so.

1 B. SOCHACZEWSKI

2 Q. Should she be thrown out of
3 school after being victimized like that?

4 A. Again, I would need all the
5 facts in front of me.

6 Q. You don't know whether --

7 A. I don't know what the facts
8 from the case are. I don't know specific
9 facts; What led up to it, what the history
10 was. It's just something that you are
11 pulling out of a hat. I can't really make
12 a clear determination of that.

13 Q. As we just said these things do
14 happen within the Jewish community; there
15 is no immunity?

16 A. Correct.

17 Q. Michael Sabo, did you ever hear
18 of Michael Sabo?

19 A. No.

20 O. That is the one with the gay --

21 A. The Shulamith kids?

22 Q. Four daughters in Shulamith.

23 A. I live so close to Shulamith
24 and I can't even -- I never heard of it.

25 O. Multiple daughters in Shulamith